

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

FRANK A. WHITEHEAD

PLAINTIFFS

V.

NO. 4:19-CV-178-DMB-JMV

**SONNY PERDUE, Secretary,
U.S. Department of Agriculture.**

DEFENDANT

ORDER

On July 10, 2020, Frank Whitehead filed a sur-reply¹ to the defendant's motion to dismiss. Doc. #13. Sur-replies are not allowed as a matter of course in federal courts. *See 16 Front Street LLC. v. Miss. Silicon, LLC*, 162 F. Supp. 3d 558, 560 (N.D. Miss. 2016). Rather, they are "heavily disfavored" and may only be authorized "when the movant's rebuttal raises new legal theories or attempts to present new evidence." *Id.* Because Whitehead did not seek leave to file a sur-reply and because there is no indication one is justified here, Whitehead's sur-reply [13] is **STRICKEN**.

SO ORDERED, this 14th day of July, 2020.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ The document states as its "Subject: Plaintiff's Response to Defendant's Rebuttal of Plaintiff's Statements Supporting His Request to Deni [sic] Defendant's Motion for Dismissal." Doc. #13.